

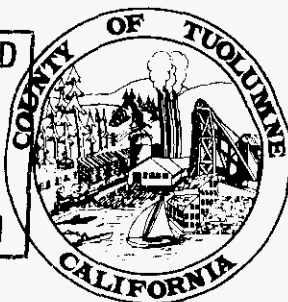
Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370

Phone (209) 533-5521
Clerk Fax (209) 533-6549

RECEIVED & INSPECTED

MAR - 6 2006

FCC - MAILROOM



Alicia L. Jamar
Clerk of the Board
of Supervisors

Elizabeth Logan
Assistant

DOCKET FILE COPY ORIGINAL

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

Liz Bass, *First District*
Mark V. Thornton, *Fourth District*

Paolo Maffei, *Second District*

Vacant, *Third District*
Richard H. Pland, *Fifth District*

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF TUOLUMNE COUNTY, CALIFORNIA

These Comments are filed by Tuolumne County, California in support of the comments filed by the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NATOA, we believe that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

Tuolumne County, California is a County with a population of 57,000. Our franchised cable providers are Comcast Corporation, Pacific Sun Country Partners ("Sun Country") and Sierra Cable. We have been partners with our cable operators through one or more licenses or franchises since the early 1980's.

Our Current Franchise

The County has three franchisees, with licenses dating back to 1984. At this time we are renegotiating a long-

term franchise agreement with Comcast our largest cable service provider.

Our franchises require the cable operator to pay a franchise fee to the County a franchise fee of 3% to 5% of the cable operator's revenues, depending on the area. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our Comcast franchise requires the provision of one channel for public, education and governmental ("PEG") access on their cable system.

None of our current franchises require any significant or long-term support to PEG Access programming. The County and City of Sonora governments provide funding support to our PEG channel group in return for services. That, along with volunteer work and fundraising, provides all of the current funding and operations support for PEG in our community.

The Franchising Process

We are currently partners with the only incorporated city in Tuolumne County, Sonora, as we negotiate a new franchise with Comcast Corporation. This will allow Comcast to obtain similar franchises for all of its approximately 10,000 subscribers in this area without the necessity to negotiate two documents.

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

Competitive Cable Systems

Despite demonstrated interest and lack of competition in our area for cable services, we have not been approached by any interested party for a franchise or any other operating agreement. Our local telephone company is apparently not interested.

This shows the difficulty that communities of our size find, despite having a growing community of interested cable service and high-speed Internet users. Even though we would welcome additional businesses, and we believe there is a favorable business model here, the large cable and traditional telephone operators have their sights set on more densely and centrally located areas. This leaves our citizens without, not only a competitor but the modern telecommunications services most parts of the country have taken for granted for five years.

Conclusions

The local cable franchising process functions well in Tuolumne County within the current regulatory environment. We are able to regulate our rights of way sufficiently. As the above information indicates, our terms for entry into the rights of way have been very reasonable. We are experienced at working with cable providers to

both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account. We would enthusiastically entertain new entrants to the telecommunications market here, but none seem interested – and it cannot be that our terms are unreasonable.

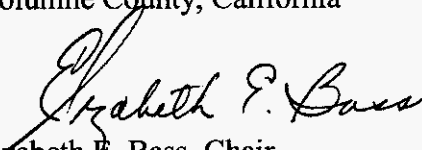
We believe that local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Tuolumne County therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

Tuolumne County, California

By:


Elizabeth E. Bass, Chair
2 South Green Street
Sonora, CA 95370

cc: NATOA, info@natoa.org
John Norton, John.Norton@fcc.gov
Andrew Long, Andrew.Long@fcc.gov